

In the Matter of WESTINGHOUSE ELECTRIC CORPORATION, GENERAL ELECTRIC COMPANY, EMPLOYERS *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, PETITIONER

*Cases Nos. 21-RC-808, 21-RC-809.—Decided February 3, 1950*

DECISION

AND

ORDER

Upon amended petitions duly filed, a hearing was held before Ben Grodsky, hearing officer.<sup>1</sup> The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>2</sup>

Upon the entire record in this case, the Board finds:

1. Among many other activities, both Westinghouse and General Electric engage in the manufacture of steam turbine generators. Such units are produced in their factories in Pennsylvania and New York, respectively, and are customarily built to the specifications of purchasers, usually utility companies or municipalities furnishing electric power. Some of Westinghouse's and General Electric's sales contracts provide for direct installation of the steam turbine generators by the manufacturer.

The units sought by the Petitioner comprise machinists engaged in such installations for Westinghouse and General Electric, in the area under the engineering supervision of their respective Los Angeles offices. Since January 1947, both manufacturers have installed a number of generators at the Harbor Steam Plant of the City of Los Angeles and the Redondo Beach Plant of Edison of Southern California, also in the Los Angeles area. These generators, of very great value, were all shipped from the eastern factories of the two manufacturers. We have previously asserted jurisdiction over both these

---

<sup>1</sup>The two cases were consolidated before hearing. At the hearing, Petitioner was permitted to amend the unit descriptions in both petitions.

<sup>2</sup>United Brotherhood of Carpenters, Joiners and Helpers of America, A. F. L., was permitted to intervene only as to the General Electric case (21-RC-808). Intervention as to the Westinghouse case (21-RC-809) was denied for lack of showing of interest. At the close of its case, Westinghouse moved to sever the two cases. The motion was properly denied because, except as to the Employer, identical parties are involved, and the issues in both cases are fundamentally the same. We find that Westinghouse has in no wise been prejudiced by the consolidation.

Employers and, with respect to Westinghouse, jurisdiction was recently asserted in a case which was limited to this phase of the Company's business, arising out of the installations of steam turbine generators at Redondo Beach.<sup>3</sup> The Employers admit, and we find, that they are engaged in operations affecting commerce within the meaning of the National Labor Relations Act.

2. The labor organizations involved claim to represent employees of the Employers.

3. No question affecting commerce exists concerning the representation of employees of the Employers within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, for the following reasons:

Both Westinghouse and General Electric have completed their installations at the Harbor Steam Plant and the Redondo Beach Plant. Westinghouse has no orders on its books for future installation of steam turbine generators in the area. Although it is currently negotiating with a prospective customer in the area for future purchase of such units, there is no certainty that it will be successful, or if successful that the contract will provide for installation by Westinghouse. Such a provision is optional with the customer, who may either install the generator itself or utilize the services of a general contractor, though in either case under the general supervision of Westinghouse. In the event that a sales contract is executed which provides for installation by Westinghouse, no work would be available for the machinists before 1952, because units of the type involved in the negotiations could not be built in less time.<sup>4</sup>

General Electric has also completed all its installations at the Harbor Steam Plant and the Redondo Beach Plant. The record discloses that in January 1950, it was to begin two other installations in the area supervised by its Los Angeles office. The period required for completing these installations was estimated at 60 to 90 days. After their completion, General Electric will not again be engaged in installing steam turbine generators in the area until sometime in 1952, when two projects are scheduled.

Westinghouse and General Electric employ no installation machinists, except when required for a specific installation job. Westinghouse now has none on its payrolls and after March 31, 1950, if work proceeds as anticipated, General Electric will have none. As

<sup>3</sup> *Los Angeles Building and Construction Trades Council, A. F. L. and Lloyd M. Mashburn, Its Agent; Millwright and Machinery Erectors Local 1607 of the United Brotherhood of Carpenters and Joiners of America, A. F. L.; and Herman F. Barbaglia, its Agent, and International Association of Machinists for its Local Lodge 1235, 83 NLRB 477.*

<sup>4</sup> The time required for building steam turbine generators varies from 18 months for the smaller units to from 24 to 36 months for larger ones.

it appears that employment of all the workers concerned has either already terminated or will terminate very soon, and employment with either Employer will not again be available to them in the near future, we believe no useful purpose would be accomplished by proceeding to a determination of representatives at this time.<sup>5</sup> Accordingly, we shall dismiss both petitions.

### ORDER

IT IS HEREBY ORDERED that the petitions filed herein be, and they hereby are, dismissed.

<sup>5</sup> *Todd-Galveston Dry Docks, Inc.*, 54 NLRB 625; *Sparton Teleoptic Company*, 81 NLRB 1228.